REMARKS

Reconsideration and allowance of this application, as amended, are respectfully requested. Claims 1-3, 6, 8 and 10-13 have been amended. New claims 21-29 have been added. Claims 1-29 are now pending in the application. The rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein.

Claims 1-3, 6, 8 and 10-13 have been editorially amended solely to correct typographical errors and to improve readability.

35 U.S.C. § 102(e) – Parkvall et al.

Claims 1-20 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Parkvall et al. (U.S. Patent Number 6,542,736) (hereinafter "Parkvall"). Reconsideration is respectfully requested.

Claim 1 broadly recites the embodiments. For example, as illustrated in Figure 2, load information is provided to a mobile station by at least one base transceiver system. The load information is used to "[select] a certain base transceiver system with which the mobile station will communicate," as recited in claim 1.

The disclosure of Parkvall does not anticipate the claimed invention. While Parkvall may refer to a base station sector selection in a radio communication system, there is no teaching of "at least one base transceiver system providing to a mobile station load information that is a

receiving probability of a signal," as claimed. Parkvall's mobile terminal sends rapidly changing information, including a current data transmission rate and/or a current base station sector identification to a base station (column 4, lines 1-15). Parkvall's base station selects a suitable sector from among multiple base station sectors taking into account requests from other mobile terminals (column 5, lines 5-7). Parkvall's mobile terminal determines quality of pilot channel signals, and requests the base station sector based on channel quality and maximum data rate (column 8, lines 55-64). There is no teaching in Parkvall of at least one base transceiver system providing load information to a mobile station. Applicant's claimed invention further selects a certain base transceiver system with which the mobile station will communicate using the load information as well as a decided forward data transmission rate. At least by virtue of the aforementioned differences, Applicant's claimed invention distinguishes over Parkvall. Applicant's claims 2-10 are dependent claims including all of the limitations of independent claim 1, which, as established above, distinguishes over Parkvall. Reconsideration and withdrawal of the rejection under § 102(e) are respectfully requested.

Regarding claim 11, another embodiment of Applicant's invention is shown in Figure 3. Distinguishing features of the present invention include the following. Probability information and channel state information are received through a forward link, a forward data transmission rate is estimated corresponding to the channel state information, and a corresponding base transceiver system is selected "in which the estimated forward data transmission rate and a value

proportioned to the receiving probability in an active set become maximum," as recited in claim 11.

The disclosure of Parkvall does not anticipate the claimed invention. There is no teaching in Parkvall of receiving probability information and channel state information. Additionally, Parkvall does not teach selecting a base transceiver system in which an estimated forward data transmission rate corresponding to the channel state information, and a value proportioned to the receiving probability in an active set become maximum, as claimed. As described above, Parkvall's mobile terminal sends rapidly changing information, including a current data transmission rate and/or a current base station sector identification to a base station (column 4, lines 1-15). Parkvall's base station selects a suitable sector from among multiple base station sectors taking into account requests from other mobile terminals (column 5, lines 5-7). Parkvall's mobile terminal determines quality of pilot channel signals, and requests the base station sector based on channel quality and maximum data rate (column 8, lines 55-64). There is no teaching in Parkvall of receiving probability information as well as channel state information. The quality of signals in Parkvall is not the same as Applicant's probability information and load information. Applicant's communication system further "select[s] a corresponding base transceiver system in which the estimated forward data transmission rate and a value proportioned to the receiving probability in an active set become maximum. At least by virtue of the aforementioned differences, Applicant's claimed invention distinguishes over Parkvall.

Applicant's claims 12-20 are dependent claims including all of the limitations of independent claim 11, which, as established above, distinguishes over Parkvall. Reconsideration and withdrawal of the rejection under § 102(e) are respectfully requested.

Newly Added Claims

Claims 21-29 are newly added by this Amendment and believed to be in condition for allowance.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned Agent, **Daniel Y.J. Kim**, at the telephone number listed below. Favorable consideration and prompt allowance are earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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